

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

*“Track One Cases”*

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF ERIN R. MACGOWAN IN SUPPORT OF MALLINCKRODT’S  
MOTION FOR SEVERANCE OR A SEPARATE TRIAL**

I, Erin R. Macgowan, declare as follows:

1. I am an attorney at the law firm of Ropes & Gray LLP and counsel to Defendants Mallinckrodt LLC, SpecGx LLC, and Mallinckrodt plc<sup>1</sup> (“Mallinckrodt”).

2. I make this declaration on behalf of Mallinckrodt in support of its Motion for Severance or a Separate Trial.

3. Attached as **Exhibit 1** is a true and correct copy of an excerpt from the 30(b)(6) deposition of Kevin Webb, dated January 17, 2019.

4. Attached as **Exhibit 2** is a true and correct copy of the FDA Approval Date for Exalgo, retrieved on August 5, 2019 from <https://www.accessdata.fda.gov/scripts/cder/daf/index.cfm?event=overview.process&ApplNo=021217>.

5. Attached as **Exhibit 3** is a true and correct copy of the FDA Approval Date for Xartemis, retrieved on August 5, 2019 from <https://www.accessdata.fda.gov/scripts/cder/daf/index.cfm?event=overview.process&ApplNo=204031>.

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<sup>1</sup> Mallinckrodt plc is an Irish company that is not subject to and contests personal jurisdiction. It is specially appearing to join this motion and does not waive and expressly preserves its personal jurisdiction challenge; pursuant to Plaintiffs’ representation before the Court, foreign parent companies’ participation in pretrial briefing does not prejudice their jurisdictional arguments.

6. Attached as **Exhibit 4** is a true and correct copy of an article published by the Centers for Disease Control and Prevention, titled, “*Vital Signs: Changes in Opioid Prescribing in the United States, 2006–2015*,” [https://www.cdc.gov/mmwr/volumes/66/wr/mm6626a4.htm?s\\_cid=mm6626a4\\_w](https://www.cdc.gov/mmwr/volumes/66/wr/mm6626a4.htm?s_cid=mm6626a4_w), retrieved on August 4, 2019.

7. Attached as **Exhibit 5** is a true and correct copy of an Exalgo label, at Bates begin number MNK-T1\_0002759688, revised March 2010.

8. Attached as **Exhibit 6** is a true and correct copy of a Xartemis label, at Bates begin number MNK-T1\_0000726198, revised December 2016.

9. Attached as **Exhibit 7** is a true and correct copy of an excerpt from the expert report of Sheldon T. Bradshaw, dated May 10, 2019.

10. Attached as **Exhibit 8** is a true and correct copy of a Mallinckrodt policy for “New Customer Account Set-up and Existing Customer Account Ongoing Review” at Bates begin number MNK-T1\_0000264265, with a revision date of July 1, 2009.

11. Attached as **Exhibit 9** is a true and correct copy of a sales force training presentation on Mallinckrodt’s Suspicious Order Monitoring program, at Bates begin number MNK-T1\_0002250046, dated June 5, 2008.

12. Attached as **Exhibit 10** is a true and correct copy of Karen Harper’s notes from a November 1, 2010 meeting at the DEA St. Louis Division Office, at Bates begin number MNKT1\_0000421974.

Executed this 5th day of August, 2019.

/s/ Erin R. Macgowan

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*Attorney for Defendants Mallinckrodt LLC  
and SpecGx LLC, and appearing specially  
for Mallinckrodt plc*

**CERTIFICATE OF SERVICE**

I, Brien T. O'Connor, hereby certify that the foregoing document was served via file transfer protocol to all counsel of record.

/s/ Brien T. O'Connor  
Brien T. O'Connor